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Federal Communications Commission
Office of Secretary

Exhibit C

50 Documents

96-98

Written Presentations
To

Chairman & Commissioners

From: Heidi Neal
To: Undisclosed-Recipient: @fcc.gov
Date: 12/29/02 6:22PM
Subject: A Letter from a Laid Off Employee

Teresa A. Smolarski
115 N. Locust Avenue
Oak Park, CA 91377
PAVLDC@aol.com

December 27, 2002

Dear Mr Whitacker

At first I thought I was going to write you a hate letter for laying off my husband because he was one of those "ordinary people doing an extraordinary job with infinite character," just ask Heidi Neal @ momsavesjobs.org. He was the Construction Splicing Manager in charge of Heidi's husband and he is the epitome of who that commercial talks about. In fact he was the technical advisor in those commercials for SBC and you shook his hand to thank him for the work ~~he~~ had done for SBC.

He just recently went to the unemployment office to register for unemployment and the person asked him if he worked for someone else at the same time he was working for SBC because there was another employer listed. My husband, Paul Smolarski, said "yes." I helped make those commercials (on his vacation time) wherein SBC talks about their employees, their service and commitment. The woman at the employment office had seen those commercials. She replied in shock "~~They~~ laid you off. That's really cold."

Yes, I have a lot to be mad about because I watched a man who was so well liked and respected by all of his crew, his supervisors of all levels, a man who wanted to build a future for SBC and somehow he got

lost in the shuffle. Paul loved working at SBC and so I have decided to take this on along with Heidi

First, your public relations campaign is not strong enough! You have got to get tougher or you will lose!! For example, the SBC commercials that were made were not clear and on message. I'm not quite sure what they were trying to communicate and neither is the general public.

As a test and since I had a copy of all the commercials from my husband, I recently sat with a small group in Chicago that didn't know much about the issues SBC is facing. I did this purposely to see their level of understanding after watching the commercials. Their comments: "We feel like there is a message here but we don't know what the message is?" "Is there anything we should be concerned about." SBC seems to be alluding to some level of concern but we're not sure why."

Mr. Whitacker

December 27, 2002

Page 2 of 2

In conclusion, the commercials were artistic and powerful but not literal enough. They didn't communicate the issue well enough. You can do better! You're in the business of communication. Show the public what that really means. The competition seems to be out flanking you at every turn because they are making it personal. You went at it from the standpoint of a telephone company showing lines and people working and that's all fine but you didn't take it to a literal level in terms of how it affects someone's daily life. I have some better **ideas** that will communicate your message much more effectively!

Secondly, where is your public relations campaign in the news media? You should be in print, television, radio and internet. You can do a better job fighting back with all your **SBC** might without appearing like a bully if you make it personal. You're letting the little guys eat away at you and you seem paralyzed. You can win this war by communicating your message clearly and effectively to people who know absolutely nothing about what they are trading off when they switch their service to another company.

Lastly, I am like Heidi, just an ordinary wife of a former SBC employee with infinite character trying to do an extraordinary task in saving not only her husband's job but the jobs of many SBC employees who are being laid off because of an unfair ruling **by** our judicial system

You can do better Mr. Whitacker by making it a much more personal public relations campaign. I would be happy to share my ideas to achieve "long term results" with anyone that you think should listen.

Sincerely,

Teresa A. Smolarski

From: the mom1@juno com
To: Michael Copps
Date: 1116103 12:08AM
Subject: Changes to 1996 Telcom Act

Dear FCC Commissioner Copps,

Please do not enact any increases to long distance telephone rates which would up the cost of phone service for the individual homeowner.

In the past few years, many of the telephone companies have increased their rates significantly. In some cases they only offer a package of services, they do not have an affordable, single line, basic use option.

In a sluggish economy, those of us at the bottom of the food chain have a hard time trying to make ends meet. To raise the cost of phone service would be just another slap in the face to this segment of our society

Further, most of the public schools in my state require their students to use the Internet in a variety of school assignments or projects. By raising the rates, you only increase the financial burden on families with school-age children

If all the telephone service companies cannot make ends meet, they should look inward to verify that salaries at the executive level are not outrageously excessive (as in the past), or that they have not pushed too hastily into other markets which are draining money away from their core business local telephone service

While competition is supposed to keep prices down to a reasonable level, too many companies of late have tried to make a big killing for themselves by jacking up the costs -- legally or illegally As a result, the "little guy" foots the bill.

Three years ago, I could get a service plan for a \$20.00 monthly fee plus 2 cents per minute for all my long distance calls It was affordable for a senior citizen Most of the new plans bundle several services together. whether one wants them or not. This is good for the telephone companies bottom line, but expensive to the individual user

Again, please do not increase the rates on telephone service

Sincerely,

J M Stevenson
(the mom1@juno com)

From: Jim Cunningham
To: Michael Copps
Date: 1/13/03 2:39PM
Subject: Proposed changes to the 1996 Telecommunications Act

Dear Commissioner Copps

I believe it is in the best interest of free enterprise, consumers and our American way of life for you to vote "no" on the proposed changes to the 1996 Telecommunications Act. At no time, but especially in a down-turned economy, do Americans need additional liabilities added to their current balance sheets.

Thank you for considering my opinion.

Respectfully,

James H. Cunningham, Jr.
Indoff Branch Partner, Las Vegas
1721 E. Mesquite Avenue 89101
702-471-0332 Fax 702-471-0830
james1.27@juno.com

From: BDalySales@aol.com
To: Mike Powell
Date: 1/23/03 8:35PM
Subject: UNE-P

1/23/03 8:35PM
JAN 23 2003

Please support the current laws governing local phone access Thank you

Bill Daly
Daly Sales
San Jose CA
Phone/Fax (408) 269-9902
Mobile (408) 203-1172

From: Ken McEldowney
To: Mike Powell
Date: 1/24/03 12:01PM
Subject: UNE-P Proceeding

Chairman Powell

Consumer Action, a San Francisco-based non-profit organization that works through a national network of 6,500 community based organizations, wishes to add its support to the attached letter from Consumer Federation of America that was sent to you on Dec. 11, 2002.

Local competition can only exist if the Bells are required to lease parts of the phone network to competitors at a competitive rate. This is only fair, as the Bells have been able to enter the long distance market by leasing lines at discounted rates.

Sincerely

Ken McEldowney
Consumer Action

CC: Kathleen Abernathy, Michael Copps, KM KJMWEB, Commissioner Adelstein

The Honorable Michael K. Powell
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

December 11, 2002

Re: Notice of Proposed Rulemaking FCC-01-361

Dear Chairman Powell:

We the undersigned nineteen national and local consumer advocacy organizations are keenly interested in the UNE review proceeding currently underway at the FCC.

In order for nascent local phone competition to continue to develop and grow, we believe it is critically important that state regulators maintain their ability to make decisions at the local level. State regulators have played a vital role in opening local phone markets and establishing wholesale phone rates that are fair and competitive. It is critically important for consumers that this role not be diminished.

We urge the Federal Communications Commission not to undo the progress made by state authorities over the past six years by rewriting the Telecommunications Act to allow the Bell monopolies to maintain their current dominance in local phone service, and expand it into new markets such as broadband.

Competition and the '96 Act

The 1996 Telecommunications Act was designed to jumpstart competition throughout all levels of the communications industry. One way Congress intended to accomplish this was to force the local phone monopolies to lease their systems to new entrants at competitive rates. Unfortunately, because of years of intransigence by the incumbent Bell monopolies, the vibrant competition Congress envisioned is only now beginning to materialize.

Recently, a dozen states have concluded that Bell wholesale rates are too high and have lowered the prices competitors pay for unbundled network elements or UNEs. As a result, competition is finally starting to take hold at the state level. For example, according to the latest data issued by the Commission this week, in Texas, companies that compete with SBC provided service to 16 percent of the phone lines in Texas, up from 14 percent the previous year. Meanwhile, Verizon competitors in Massachusetts used 16 percent of the phone line, up from 12 percent the previous year. And in Illinois, SBC competitors provided service to 17 percent of the phone lines by mid 2002, up from 13 percent a year earlier.

Not coincidentally, the Bells in their continuing effort to deny competitors access to their monopoly wires, now argue that the current telecom crisis is justification for rolling back regulations that permit competitors to access UNEs, all in their continuing effort to stamp out fledgling growth in competition.

This is an ironic set of arguments. Competition means you lose business to competitors in one area and may gain business in another. This is exactly what the 1996 Telecommunications Act envisioned. While the Bells may lose customers in the local market, they gain customers in the long distance market – and consumers gain choices and lower prices.

A Long History of Anti-Competitive Behavior

This is just the latest step in the Bells' relentless resistance to competition. As you know, the Bells spent six years and countless millions of dollars in legal and lobbying fees fighting to derail the Telecommunications Act and prevent one of its central aims – local phone competition – from becoming a reality.

In fact, the Baby Bell companies have paid over \$2 billion in federal and state fines and other levies for a litany of abuses such as anti-competitive treatment of other companies, failing to meet performance standards and making false promises about where and how they would compete in order to gain approval for their mergers.

Most recently, the Bells are complaining that competitors may gain advantage through the bankruptcy process. They have gone so far as to coordinate a campaign to deny one of their largest competitors, Worldcom/MCI, the ability to emerge from bankruptcy protection. This is ironic given that in comments filed with the Commission earlier this year, the Bells upheld bankruptcy for competitors as a means to support the availability of network elements and support their argument for additional deregulation.

Apparently the Bells support bankruptcy for competitors when it fits their argument for deregulation but denounce it when it threatens them with competition. Competition without competitors is a sham that threatens consumers and should not be tolerated by regulators charged with protecting the public interest.

The Government's Role: Consumer Protection

The Bells are clearly focused on only one thing: protecting their market share. They are, as they have been for years, unconcerned with the plight of consumers. As they strive to restrict competition, the Bells are able to continue to offer limited choices for unnaturally high prices.

To protect consumers, the federal government should ignore the Bells' demands. The government's role should be to enforce the 1996 Telecommunications Act, let competition determine the winners and ensure that consumers benefit. The FCC should not restrict the ability of

state regulators to fulfill their Congressionally assigned role of keeping local markets open and wholesale prices fair and reasonable. Working together the FCC and state regulators can protect and enhance competition for the benefit of consumers.

Sincerely

Arizona Consumers Council
California Public Interest Research Group (CALPIRG)
Citizen Action Illinois
Columbia Consumer Education Council (SC)
Consumer Assistance Council (MA)
Consumer Federation of America
Democratic Processes Center (AZ)
Empire State Consumer Association (NY)
Florida Consumer Action Network
Massachusetts Consumer Coalition
Mercer County Community Action Agency (PA)
Michigan Consumer Federation
New Jersey Citizen Action
North Carolina Consumers Council
Privacy Rights Clearinghouse (CA)
Texas Consumers Association
U.S. Public Interest Research Group (USPIRG)
Utility Consumer Action Network (CA)
Virginia Citizens Consumer Council

Cc: Commissioners Abernathy, Adelstein, Copps and Martin

From: Ken McEldowney
To: Mike Powell
Date: 1/24/03 12:03PM
Subject: UNE-P Proceeding

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Sincerely,

Ken McEldowney
Consumer Action

CC: Kathleen Abernathy, Michael Copps, KM KJMWEB. Commissioner Adelstein

The Honorable Michael K. Powell
 Chairman
 Federal Communications Commission
 445 12th Street, SW
 Washington, DC 20554

December 11, 2002

Re: Notice of Proposed Rulemaking FCC-01-561

Dear Chairman Powell:

We the undersigned nineteen national and local consumer advocacy organizations are keenly interested in the UNE review proceeding currently underway at the FCC.

In order for nascent local phone competition to continue to develop and grow, we believe it is critically important that state regulators maintain their ability to make decisions at the local level. State regulators have played a vital role in opening local phone markets and establishing wholesale phone rates that are fair and competitive. It is critically important for consumers that this role not be diminished.

We urge the Federal Communications Commission not to undo the progress made by state authorities over the past six years by rewriting the Telecommunications Act to allow the Bell monopolies to maintain their current dominance in local phone service, and expand it into new markets such as broadband.

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Recently, a dozen states have concluded that Bell wholesale rates are too high and have lowered the prices competitors pay for unbundled network elements or UNEs. As a result, competition is finally starting to take hold at the state level. For example, according to the latest data issued by the Commission this week, in Texas, companies that compete with SBC provided service to 16 percent of the phone lines in Texas, up from 14 percent the previous year. Meanwhile, Verizon competitors in Massachusetts used 16 percent of the phone lines, up from 12 percent the previous year. And in Illinois, SBC competitors provided service to 17 percent of the phone lines by mid 2002, up from 12 percent a year earlier.

Not coincidentally, the Bells in their continuing effort to deny competitors access to their monopoly wires, now argue that the current telecom crisis is justification for rolling back regulations the permit competitors to access UNEs, all in their continuing effort to stamp out fledgling growth in competition.

This is an ironic set of arguments. Competition means you lose business to competitors in one area and may gain business in another. This is exactly what the 1996 Teleco Act envisioned. While the Bells may lose customers in the local market, they gain customers in the long distance market - and consumers gain choices and lower prices.

A Long History of Anti-Competitive Behavior

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In fact, the Baby Bell companies have paid over \$2 billion in federal and state fines and other levies for a litany of abuses such as, anti-competitive treatment of other companies, failing to meet performance standards and making false promises about where and how they would compete in order to gain approval for their mergers.

Most recently, the Bells are complaining that competitors may gain advantage through the bankruptcy process. They have gone so far as to coordinate a campaign to deny one of their largest competitors, Worldcom/MCI, the ability to emerge from bankruptcy protection. This is ironic given that in comments filed with the Commission earlier this year, the Bells upheld bankruptcy for competitors as a means to support the availability of network elements and support their argument for additional deregulation.

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Sincerely

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California Public Interest Research Group (CALPIRG)
Citizen Action Illinois
Columbia **Consumer** Education Council (SC)
Consumer **Assistance** Council (MA)
Consumer **Federation** of America
Democratic Processes Center (AZ)
Empire State Consumer Association (NY)
Florida Consumer Action Network
Massachusetts Consumer Coalition
Mercer County Community **Action** Agency (PA)
Michigan Consumer **Federation**
New Jersey Citizen Action
North Carolina **Consumers** Council
Privacy **Rights** Clearinghouse (CA)
Texas Consumers Association
U. S. Public **Interest** Research Group (USPIRG)
Utility **Consumer** Action **Network** (CA)
Virginia **Citizens** Consumer Council

Cc: Commissioners Abernathy, Adelstein, Copps and Martin

From: dcaisley
To: Mike Powell, Kathleen Abernathy, Michael Copps. KM KJMWEB, Commissioner Adelstein
Date: 1/24/03 4:31PM
Subject: Dump UNE-P FAST

Dear Chairman Powell et al:

With respect to UNE-P, you know that the best answer for the country is to abolish those rules so that the Baby Bells do NOT have to sell their lines to ANY competitors at less than cost. Unless this rule is changed, NOBODY will have any incentive to invest in the telephone network!!! The Bells will not build because they have to sell their product at less than cost. The CLECs will not build because they can buy from the Bells cheaper than they can build their own network. With NOBODY investing in the network, it will soon become severely degraded, and the whole country will suffer.

What will it take to make the FCC see the light????? We're wrecking through stupid regulations what used to be regarded as one of the leading industries in the nation -- the Telecommunications Industry!! Would you invest in Bell companies who are bound by these stupid rules?? Of course not!!

Please HELP!! The sooner the better! Does the entire industry have to melt down before you folks will act????

Don Caisley

From: Elizabeth.Park@LW.com
To: Mike Powell, Kathleen Abernathy, jadelst@fcc.gov, Michael Copps. KM KJMWEB, Christopher Libertelli, Matthew Brill. Lisa Zaina, Jordan Goldstein, Daniel Gonzalez, William Maher
Date: 1/24/03 4:41 PM
Subject: UNE Triennial Review Ex Parte Letter

The attached ex parte filing was made today on behalf of Alaska Communications Systems Group, Inc. in Docket Nos. 01-338, 96-98, 98-147

<<ACS ex parte 01242003 pdf>>

Elizabeth R. Park
> LATHAM & WATKINS LLP
Suite 1000
555 Eleventh Street, NW
Washington, DC 20004-1304
Telephone: 202 637.1056
Fax: 202 637 2201
Email Elizabeth.Park@lw.com

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LATHAM & WATKINS, L.P.

January 24, 2003

EX PARTE SUBMISSION VIA ELECTRONIC FILING

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Marlene H. Dorch

Secretary

Federal Communications Commission

445 12th Street, SW

Washington, DC 20554

Re: *Ex Parte* Submission in (I/N): Triennial Review, CC Docket Nos. 01-338, 96-98, 98-147

Dear Ms. Dorch:

On January 22, 2003, I met with Marsha MacBride, Chief of Staff to Chairman Powell, on behalf of Alaska Communications Systems Group, Inc. ("ACS"), concerning the above-captioned proceeding. During the meeting, we discussed questions that have been raised in the *ex parte* submissions in this proceeding by competitive local exchange carriers ("CLECs") with respect to the obligations of incumbent local exchange carriers ("ILECs") to build new facilities solely for the purpose of unbundling them under Sections 251 and 252 of the Communications Act of 1934 (the "Act").

ACS requests that the Commission address issues relating to obligations to construct new facilities as part of its (I/N): Triennial Review order. Specifically, ACS urges the Commission to clarify that ILECs are not required to construct new facilities or deploy new equipment at the request of a CLEC solely in order to unbundle these facilities.

(General Communication, Inc. ("GCI"), the dominant CLEC in the Alaska market, has argued that ACS should be required to build new loop facilities where ACS does not currently have such facilities and that GCI is "impaired" if ACS fails to make these facilities available.¹ In fact, the Regulatory Commission of Alaska ("RCA") has ordered ACS to build facilities for GCI's use, including loop facilities, and to provide various improved services to GCI.² However,

¹ See GCI *Ex Parte* Submission in Docket Nos. 01-338, 96-98, 98-147 (Nov. 21, 2002).
² See, e.g., *Order Requiring ACS to Permit Interim Query Access into MARTENS or Another Appropriate Database, Requiring GCI to Follow ACS' Line Extension Provisions for Construction of*

Page 2
January 24, 2003

LATHAM WATKINS -

the RCA's order fails to provide a mechanism to fund this type of construction. The RCA has not allowed ACS to obtain any meaningful cost recovery from GCI because below-cost UNE rates are not intended to cover the full costs of the network.³

ACS' experience demonstrates that the RCA is acting inconsistently with Commission orders that limit unbundling obligations to *existing* ILEC facilities. It is well settled that the ILEC's obligation to provision unbundled interoffice transmission facilities is limited to existing ILEC facilities.⁴ The Commission's position on this matter is supported by the Eighth Circuit's decision in *Iowa Utilities Board v. FCC*.⁵ Moreover, the Commission stated in the *UNE Remand Order* that building loop plant is prohibitively expensive and time-consuming. The Commission specifically noted that "if the competitive IEC loses the customer back to the incumbent or to another competitor, the competitive IEC would probably bear the full loss of its sunk investment in the redundant loop."⁶

ACS bears precisely this type of expense when it is required to build loops only to lease the facilities well below cost to GCI so that GCI can serve its own customers. As explained in ACS' January 6, 2003 *ex parte* submission in this proceeding, ACS does not have the opportunity to recoup the costs of these facilities at UNE rates that are intended to tip the scales in the CLECs' favor. In addition, when GCI deploys its cable telephony and transitions its customers to its own network, the facilities that ACS is forced to build will become stranded, leaving ACS unable to recover its investment.⁷ In this context, there is no reason to distinguish loop facilities from transport facilities; the principle established in the *UNE Remand Order* should apply equally to each element.

New Facilities, Requiring Filings, and Finding Petition to Modify Hearing Schedule Moot 01-02-97(3) at 12-13 (Reg. Comm'n of Alaska Dec. 5, 2002).

³ *In the Matter of Implementation of the Local Competition Provisions in the Telecommunications Act of 1996; Interconnection between Local Exchange Carriers and Commercial Mobile Radio Service Providers*, First Report and Order, 11 FCC Red 15499 (¶¶ 704-7 (1996) ("Local Competition First Report and Order").

⁴ *See Implementation of Local Competition Provisions of the Telecommunications Act of 1996*, Third Report and Order and Fourth Further Notice of Proposed Rulemaking, 15 FCC Red 3696 (1999) ("UNE Remand Order") ("we do not require incumbent IECs to construct new transport facilities to meet specific competition IEC point-to-point demand requirements for facilities that the incumbent IEC has not deployed for its own use"); *Local Competition First Report and Order* at ¶¶ 441, 451 ("The rules we establish for the unbundled interoffice facilities should maximize a competitor's flexibility to use new technologies in combination with existing IEC facilities. . . . We expressly limit the provision of unbundled interoffice facilities to existing incumbent IEC facilities").

⁵ *See Iowa Util. Bd. v. FCC*, 120 F.3d 753, 813 (8th Cir. 1997) (holding that section 251(c)(3) "implicitly requires unbundled access only to an incumbent IEC's existing network - not a yet-unbuilt superior one").

⁶ *UNE Remand Order*, 15 FCC Red at ¶ 183.

⁷ ACS *Ex Parte* Submission in Docket Nos. 01-338, 96-98, 98-147 at 9 (Jan. 6, 2003).

Page 3
January 24, 2003

LATHAM WATKINS:

Indeed, other carriers have raised similar concerns in this proceeding. Verizon, in its January 17, 2003 *ex parte* submission, corroborates the financial risks born by ILECs arising from requirements to deploy new equipment or undertake major construction to upgrade existing loop plant facilities solely in order to unbundled these facilities.⁸ As Verizon points out, requiring competing carriers to make their own investments to develop their own networks would promote the Commission's goal of encouraging facilities-based competition. On the other hand, allowing CLECs to purchase UNEs at below-cost prices without any competitive risks discourages investment and induces CLECs to become more dependent on the ILEC's network.⁹

Based on the evidence in the record on this issue, ACS urges the Commission to clarify that the principles applicable to the construction of transport facilities extends to all distribution plant, including all types of loop facilities.

Respectfully submitted,

/s/ Karen Brinkmann
Karen Brinkmann

cc: Michael Powell
Kathleen Abernathy
Jonathan Adelstein
Michael Copps
Kevin Martin
Marsha MacBride
Christopher Libertelli
Matthew Brill
Lisa Zaina
Jordan Goldstein
Daniel Gonzalez
William Maher

⁸ Verizon *Ex Parte* Submission in Docket Nos. 01-338, 96-98, 98-147 at 3 (Jan. 17, 2003).
⁹ *See id.* at 2.

From: Elizabeth Park@LW.com
To: Commissioner Adelstein
Date: 1/24/03 4:52PM
Subject: FW: UNE Triennial Review Ex Parte Letter

> -----Original Message-----

> From: Park, Elizabeth (DC)
> Sent: Friday, January 24, 2003 4:43 PM
> To: 'mpowell@fcc.gov'; 'kabernat@fcc.gov'; 'jadelst@fcc.gov';
> 'mcopps@fcc.gov'; 'kjmweb@fcc.gov'; 'cliberte@fcc.gov';
> 'mbrill@fcc.gov'; 'lzaina@fcc.gov'; 'jgoldste@fcc.gov';
> 'dgonzale@fcc.gov'; 'wmaher@fcc.gov'
> Subject: UNE Triennial Review Ex Parte Letter
>
> The attached ex parte filing was made today on behalf of Alaska
> Communications Systems Group, Inc. in Docket Nos. 01-338, 96-98.
> 98-147
>
> <<ACS ex parte 01242003.pdf>>
>
> Elizabeth R. Park
> LATHAM & WATKINS LLP
> Suite 1000
> 555 Eleventh Street, NW
> Washington, DC 20004-1304
> Telephone 202.637.1056
> Fax 202.637.2201
> Email Elizabeth.Park@lw.com
>

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Latham & Watkins LLP

555 Eleventh Street, N.W., Suite 1000
Washington, D.C. 20004-1304
Tel: (202) 637-2200 Fax: (202) 637-2201
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LATHAM & WATKINS LLP

January 24, 2003

EX PARTE SUBMISSION VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: *Ex Parte* Submission in UNE Triennial Review; CC Docket Nos. 01-338, 96-98, 98-147

Dear Ms. Dortch:

On January 22, 2003, I met with Marsha MacBride, Chief of Staff to Chairman Powell, on behalf of Alaska Communications Systems Group, Inc. ("ACS"), concerning the above-captioned proceeding. During the meeting, we discussed questions that have been raised in the *ex parte* submissions in this proceeding by competitive local exchange carriers ("CLECs") with respect to the obligations of incumbent local exchange carriers ("ILECs") to build new facilities solely for the purpose of unbundling them under Sections 251 and 252 of the Communications Act of 1934 (the "Act").

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DC:56729-1

Page 2
January 24, 2003

LATHAM WATKINS

the RCA's order fails to provide a mechanism to fund this type of construction. The RCA has not allowed ACS to obtain any meaningful cost recovery from GCI because below-cost UNE rates are not intended to cover the full costs of the network.³

ACS' experience demonstrates that the RCA is acting inconsistently with Commission orders that limit unbundling obligations to *existing* ILEC facilities. It is well settled that the ILEC's obligation to provision unbundled interoffice transmission facilities is limited to existing ILEC facilities.⁴ The Commission's position on this matter is supported by the Eighth Circuit's decision in *Iowa Utilities Board v. FCC*.⁵ Moreover, the Commission stated in the *UNE Remand Order* that building loop plant is prohibitively expensive and time-consuming. The Commission specifically noted that "if the competitive IEC loses the customer back to the incumbent or to another competitor, the competitive IEC would probably bear the full loss of its sunk investment in the redundant loop."⁶

ACS bears precisely this type of expense when it is required to build loops only to lease the facilities well below cost to GCI so that GCI can serve its own customers. As explained in ACS' January 6, 2003 *ex parte* submission in this proceeding, ACS does not have the opportunity to recoup the costs of these facilities at UNE rates that are intended to tip the scales in the CLECs' favor. In addition, when GCI deploys its cable telephony and transitions its customers to its own network, the facilities that ACS is forced to build will become stranded, leaving ACS unable to recover its investment.⁷ In this context, there is no reason to distinguish loop facilities from transport facilities; the principle established in the *UNE Remand Order* should apply equally to each element.

New Facilities, Requiring Filings, and Finding Petition to Modify Hearing Schedule Moot 01-02-97(3) at 12-13 (Reg. Comm'n. of Alaska Dec. 5, 2002).

³ *In the Matter of Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, Interconnection between Local Exchange Carriers and Commercial Mobile Radio Service Providers*, First Report and Order, 11 FCC Red 15499 ¶¶ 704-7 (1996) ("Local Competition First Report and Order").

⁴ *See Implementation of Local Competition Provisions of the Telecommunications Act of 1996*, Third Report and Order and Fourth Further Notice of Proposed Rulemaking, 15 FCC Red 3696 (1999) ("UNE Remand Order") ("we do not require incumbent IECs to construct new transport facilities to meet specific competition IEC point-to-point demand requirements for facilities that the incumbent IEC has not deployed for its own use."); *Local Competition First Report and Order* at ¶¶ 441, 451 ("The rules we establish for the unbundled interoffice facilities should maximize a competitor's flexibility to use new technologies in combination with existing IEC facilities We expressly limit the provision of unbundled interoffice facilities to existing incumbent IEC facilities").

⁵ *See Iowa Util. Bd. v. FCC*, 120 F.3d 753, 813 (8th Cir. 1997) (holding that section 251(c)(3) "implicitly requires unbundled access only to an incumbent IEC's existing network – not a yet-unbuilt superior one.")

⁶ *UNE Remand Order*, 15 FCC Red at ¶ 183.

⁷ ACS *Ex Parte* Submission in Docket Nos. 01-338, 96-98, 98-147 at 9 (Jan. 6, 2003).

Page 3
January 24, 2003

LATHAM & WATKINS

Indeed, other carriers have raised the same concerns in this proceeding. Verizon, in its January 17, 2003 *ex parte* submission, corroborates the financial risks born by ILECs arising from requirements to deploy new equipment or undertake major construction to upgrade existing loop plant facilities solely in order to unbundled these facilities.⁸ As Verizon points out, requiring competing carriers to make their own investments to develop their own networks would promote the Commission's goal of encouraging facilities-based competition. On the other hand, allowing CLECs to purchase UNFs at below-cost prices without any competitive risks discourages investment and induces CLECs to become more dependent on the ILEC's network.⁹

Based on the evidence in the record on this issue, ACS urges the Commission to clarify that the principles applicable to the construction of transport facilities extends to all distribution plant, including all types of loop facilities.

Respectfully submitted,

/s/ Karen Brinkmann
Karen Brinkmann

cc: Michael Powell
Kathleen Abernathy
Jonathan Adelstein
Michael Copps
Kevin Martin
Marsha MacBride
Christopher Libertelli
Matthew Brill
Lisa Zaina
Jordan Goldstein
Daniel Gonzalez
William Maher

⁸ Verizon *Ex Parte* Submission in Docket Nos. 01-338, 96-98, 98-147 at 3 (Jan. 17, 2003).

⁹ *See id.* at 2.

From: Doug
To: Commissioner Adelstein, KM KJMWEB. Michael Copps, Kathleen Abernathy, Mike Powell
Date: 1/24/03 5:54PM
Subject: F w Telecommunication monopoly

Below is an article from my local paper about the FCC allowing SBC to gain more "power" over consumers by allowing them to offer long distance. I couldn't agree more with the Cit Pat's opinion on this. We left SBC a year ago, then Ameritech. I was tired of all the years of them raising our phone rates for no apparent reason.

Having no choice other than Ameritech for local service was unfair. It was still a monopoly even though Bell has been broken up for years. It's only been this last year that there has been true competition for service. SBC adjusted their service to bring it more in line with its new competitors. However, SBC still isn't close to matching the excellent service I've enjoyed over the last year with TDS. I am finally paying less than \$100 a month for local, long distance and DSL, all on one bill! I'll never go back to SBC. They never cared about their customers until they started to lose them and started the media blitz we now see daily about how much SBC does for us. The commercials make me want to be sick.

Please keep the telecommunications infrastructure open to more than just one provider. After all, why would the FCC break up Ma Bell just to allow SBC to continue in the tradition of Ameritech and Bell by monopolizing local phone service? The government is supposed to protect the public interest. Open competition is in the public interest.

-Doug Matiska

SBC long-distance bid. Why is it on fast track?

Tuesday, January 21, 2003

A few days ago the Michigan Public Service Commission supported SBC's request to offer long-distance service. The one-time Michigan Bell Co. -- swallowed up in progressively larger gulps first by Ameritech and now by SBC -- is seeking final approval from the Federal Communications Commission. This may be bad news for telephone customers.

When regulators are satisfied there is true competition locally, SBC will be allowed to enter the long-distance market. SBC has now persuaded the PSC that it meets competitive standards. Competitors have between 20 and 30 percent of the local market in Michigan.

But just as competition is becoming a reality, the FCC may be on the verge of ending it. FCC Chairman Michael Powell appears ready to do away with a requirement that the nation's regional Bell companies, including SBC, lease parts of their local phone networks to competitors at reasonable rates. In a series of public statements, Powell makes clear that he wants to change the rules of competition. Rather than forcing SBC and others to lease access to their networks at limited rates, Powell thinks true competition means requiring competitors to build their own networks.

That is absurd on its face. Competing companies in local phone service will face an impossible challenge: They will not be able to afford the infrastructure needed to become dependable local providers. Thus, competition will actually diminish. Meanwhile, SBC will be allowed to offer long distance, strengthening its position as a telecommunications empire.

Since SBC only met about 60 percent of the conditions the PSC had set in order for it to get long-distance service, we wonder what gives. Was this a political decision?

This rethinking of true competition is puzzling. Why should government encourage the duplication of telecommunications infrastructure and networks? Government should protect the public interest. It should encourage the sharing of assets to minimize public expense, not proliferation that winds up increasing public expense. Moreover, if the purpose of breaking up "Ma Bell" years ago was to end a monopoly and create competition, why would the FCC encourage monopolies?

The FCC has not yet made a decision and the public has 90 days to offer comments. You may do so online at the Web site, www.fcc.gov, by clicking "File Comments." It may be time for consumers to speak up, because no one seems to be looking out for them in this battle for dominance in telecommunications.

--The Jackson Citizen Patriot

From: Paula Kilby
To: Mike Powell
Date: 1/25/03 7:17AM
Subject: UNE-P rules

Chairman Michael Powell,

I encourage you to support the current UNE-P rules and protect competition and small business. My husband and I own a small business. We have enough burdens and costs on us already without you restricting UNE-P access and further driving up our local telephone costs. This will just add one more financial burden to our already overburdened, over regulated and over taxed business!!

Paula Fowler Kilby, V.P
Kilby Company

From: Paula Kilby
To: Commissioner Adelstein
Date: 1/25/03 7 19AM
Subject: UNE-P rules

Commissioner Jonathan Adelstein,

I encourage you to support the current UNE-P rules and protect competition and small business. My husband and I own a small business. We have enough burdens and costs on us already without you restricting UNE-P access and further driving up our local telephone **costs**. This will just add one more financial burden to our already overburdened, over regulated and over taxed business!!

Paula Fowler Kilby, V P
Kilby Company

From: Dennis Watson
To: Commissioner Adelstein
Date: 12/24/023:27PM
Subject: Get telecomm healthy again

96-98

Dear Sir,

When will the commission get with the program and figure out over regulating the "baby **bells**" is killing the industry. What happened to the days when people took pride and worked hard to get the telephone industry to the best in the world, only to ~~see~~ it flounder under the government in the name of deregulation.

Dennis Watson
2425 Tom
Irving, **TX**.

From: Kim Cascone
To: Mike Powell
Date: 12/31/02 8:43PM
Subject: don't let SBC rule the roost!

http://story.news.yahoo.com/news?tmpl=story&ncid=581&cid=581&u=/nm/20021231/tc_nm/telecoms_sbc_fcc_dc

> But it also allows SBC to make the case to movie studios, music companies,
> gaming companies and other broadband content providers that it's the best
> place to store and distribute their services. Since it owns the network and
> hosting facilities, it will be able to guarantee the fast connections needed
> to give video service using ordinary DSL the same quality as a VCR. for
> example.

<http://news.com.com/2100-1033-269357.html>

PLEASE DO NOT LET SBC DOMINATE THE MARKET...they are the Microsoft of Internet service providers!

happy new year,

kim_cascone

anechoic

kim@anechoicmedia.com

nl: San Francisco, CA

iPod: my mathrock playlist

nr: "Performing Rites: On the Value of Popular Music" - Simon Frith

nv: --

"In the new world the characteristic unit will be small, highly mobile, independent and intelligent."

- Robert Fripp (1974)

From: Henry King
To: Mike Powell
Date: 1/6/03 5:11PM
Subject: LEAVE SMALL PHONE COMPANYS ALONE

LET SMALL PHONE COMPANYS MAINTAIN THE FLAT RATE LONG DISTANCES SYSTEM

From: Ron McElveen
To: Commissioner Adelstein
Date: 11/10/03 9:42AM
Subject: Comments to the Commissioner

Ron McElveen (RMAC35126@HOTMAIL.COM) writes:

As the FCC approaches its triennial UNE review, I would like to take a moment of your time to voice my concerns for the future of competitive telecommunications in the United States and specifically that of UNE-P and CLEC's. I stand with a multitude of others; state regulators and concerned organizations, vehemently opposing any changes to the present pricing available to CLEC's. At a time when competition finally seems to be making an impact for reducing prices to the consumer, it seems absurd to believe that the FCC would take us backward in this process and usurp the role of the state regulatory bodies as well.

From all indications, the state regulators have been zealous in their states to ensure UNE prices in their states reflected reality. I am convinced that the FCC should give UNEs a chance to work before making any changes. Repeatedly, state regulators have said that there has been little evidence to support ILEC claims that UNE rates didn't adequately cover their costs.

The FCC should not preempt the states in their efforts to implement the Telecommunications Act of 1996 and thus insure at least a modicum of competition. It's not practical to offer a one-size-fits-all approach to UNEs as is suggested by the ILECs. State commissions should be able to establish specific rates and amend the FCC's list of UNEs when specific cases require it in the same way the FCC's total element long-run incremental cost ("TELRIC") standards are implemented by the states.

Additionally it is my hope that the FCC would protect and extend UNE-P pricing. The Unbundled Network Element Platform is essential to development of a broad competitive footprint and provision of conventional voice services to residential and small business customers. CLECs will be materially impaired if denied access to unbundled local loops, unbundled local switching, shared transport, and OS/DA.

Unbundled access to network elements, including unbundled local switching, actually accelerates the development of competitors; alternative networks, allowing them to acquire customers and the necessary market information to justify the construction of new facilities. Unbundling is even more necessary in today's economic climate, when capital necessary to build out new facilities is particularly scarce.

The UNEP delivers consumers the benefits of competition NOW. It allows CLECs to quickly offer residential and small business consumers an alternative in areas beyond the reach of CLEC facilities. CLECs can develop and deliver unique pricing plans and differentiated feature packages to customers now - as well as new products, additional features and capabilities in the future. By allowing CLECs to use UNEP - in tandem with emerging technologies - will ensure that innovative leading-edge services will be available to all consumers, not just those in urban areas.

Server protocol: HTTP/1.1
Remote host: 216.212.0.253
Remote IP address: 216.212.0.253

From: Bob Switzer
To: Commissioner Adelstein
Date: 1/14/03 4:40AM
Subject: Comments to the Commissioner

Bob Switzer (switzbob@yahoo.com) writes:

Dear Commissioner Adelstein,

I have read in the press with great dismay that the FCC, as a part of its triennial review of the 1996 telecom act, is considering an elimination of the current DSL line sharing rules. As someone who cares about the broadband economy in America, I urge the commission to maintain the current line-sharing rules.

It is my understanding that the FCC issued its original line sharing order in 1999 with the idea of leveling the playing field between the local Bell phone company and upstart DSL providers. I am sure you are familiar with the website www.broadbandreports.com. The first thing you see when you log on to that site is the most recent reviews of new DSL subscribers. Take a look at the DSL companies that consumers are signing up with: Speakeady, Earthlink, Covad, Megapath, Cyberonic and soon maybe even AOL. The point is, that the commission's original line-sharing order is working. The playing field has been leveled, and consumers see value in signing up with the non-Bell DSL option. Many independent DSL companies offer superior speed and service.

In my opinion the elimination of the current DSL-line sharing policy could slow down the adoption of DSL. A DSL price increase (from lack of competition to the Bells) and the hassle of the consumer having to set up a second phone line in the house for DSL could result.

I thank you for taking the time to read this input from an ordinary citizen, and wish you success as you wind down the Triennial Review.

Sincerely,

Bob Switzer
Los Angeles, CA

Server protocol: HTTP/1.1
Remote host: 24.130.5.90
Remote IP address: 24.130.5.90

From: Gert Vutz
To: Gert Vutz
Date: Sun Jan 26, 2003 12:29 PM
Subject: Proposed FCC Changes Cost Consumers

Message sent to the following recipients

Senator Durbin
Senator Fitzgerald
Representative Biggert
Message text follows

Gert Vutz
6366 Hampshire Court
Lisle, IL 60532-3217

January 26, 2003

[recipient address was inserted here]

[recipient name was inserted here]

The Federal Communications Commission is considering taking actions that will restrict consumer choice by deregulating local phone service

Millions of Americans like me could have their phone service threatened if the local phone companies aren't required to allow competitors access to the market. I'm also concerned about the Commission's move to relieve all broadband Internet access facilities of open access obligations.

Both of these key decisions will limit my choices as a consumer by lessening competition, diminishing cost savings and threatening consumer protections. As a constituent, I urge you to support competition and open access for local phone service.

Sincerely

Gert Vutz

From: Marvin Rothfusz
To: Marvin Rothfusz
Date: Sat, Jan 25, 2003 11:05 PM
Subject: Proposed FCC Changes Cost Consumers

Message sent to the following recipients

Senator Dayton

Representative Peterson

Message text follows

Marvin Rothfusz
1120 10th St East
Glencoe MN 55336-2305

January 25, 2003

[recipient address was inserted here]

(recipient name was inserted here),

Please stop The Federal Communications Commission from taking actions that will restrict consumer choice by deregulating local phone service.

At age 70, my lifeline to family and most reality is high speed internet. I can't afford to lose it if the local phone companies aren't required to allow competitors access to the market I'm especially concerned about the Commission's move to relieve all broadband Internet access facilities of open access obligations.

As a constituent, I urge you to support competition and open access for local phone service

Sincerely

Marvin Rothfusz

From: Marvin Rothfusz
To: Marvin Rothfusz
Date: Sat. Jan 25 2003 11 05 PM
Subject: Proposed FCC Changes Cost Consumers

Message sent to the following recipients
Senator Coleman
Message text follows

Marvin Rothfusz
1120 10th St East
Glencoe, MN 55336-2305

January 25, 2003

[recipient address was inserted here]

[recipient name was inserted here]

Please stop The Federal Communications Commission from taking actions that will restrict consumer choice by deregulating local phone service

At age 70, my lifeline to family and most reality is high speed internet. I can't afford to lose it if the local phone companies aren't required to allow competitors access to the market. I'm especially concerned about the Commission's move to relieve all broadband Internet access facilities of open access obligations.

As a constituent. I urge you to support competition and open access for local phone service

Sincerely.

Marvin Rothfusz

From: Willard Kuhnly
To: Willard Kuhnly
Date: Sat Jan 25, 2003 3:03 PM
Subject: Proposed FCC Changes Cost Consumers

Message sent to the following recipients

Senator Graham

Senator Nelson

Representative Foley

Message text follows

Willard Kuhnly
3114 Par Rd
Sebring FL 33872

January 25, 2003

[recipient address was inserted here]

[recipient name was inserted here]

The Federal Communications Commission is considering taking actions that will restrict consumer choice by deregulating local phone service.

Millions of Americans like me could have their phone service threatened if the local phone companies aren't required to allow competitors access to the market. I'm also concerned about the Commission's move to relieve all broadband Internet access facilities of open access obligations.

Both of these key decisions will limit my choices as a consumer by lessening competition, diminishing cost savings and threatening consumer protections. As a constituent, I urge you to support competition and open access for local phone service.

Sincerely,

Willard G. Kuhnly

From: Barbara Coulson
To: Barbara Coulson
Date: Sat, Jan 25, 2003 3 42 PM
Subject: Proposed FCC Changes Cost Consumers

Message sent to the following recipients

Senator Edwards

Representative Taylor

Message text follows

Barbara Coulson
1001 Reemes Cove Rd
Marshall NC 28753

January 25, 2003

[recipient address was inserted here]

(recipient name was inserted here).

The Federal Communications Commission is considering taking actions that will restrict consumer choice by deregulating local phone service.

Millions of Americans like me could have their phone service threatened if the local phone companies aren't required to allow competitors access to the market. I'm also concerned about the Commission's move to relieve all broadband Internet access facilities of open access obligations

Both of these key decisions will limit my choices as a consumer by lessening competition, diminishing cost savings and threatening consumer protections. As a constituent, I urge you to support competition and open access for local phone service.

Sincerely,

Barbara Coulson

From: Barbara Coulson
To: Barbara Coulson
Date: Sat, Jan 25, 2003 3:42 PM
Subject: Proposed FCC Changes Cost Consumers

Message sent to the following recipients

Senator Dole

Message text follows:

Barbara Coulson
1001 Reemes Cove Rd
Marshall, NC 28753

January 25, 2003

[recipient address was inserted here]

[recipient name was inserted here],

The Federal Communications Commission is considering taking actions that will restrict consumer choice by deregulating local phone service.

Millions of Americans like me could have their phone service threatened if the local phone companies aren't required to allow competitors access to the market. I'm also concerned about the Commission's move to relieve all broadband Internet access facilities of open access obligations.

Both of these key decisions will limit my choices as a consumer by lessening competition, diminishing cost savings and threatening consumer protections. As a constituent, I urge you to support competition and open access for local phone service.

Sincerely,

Barbara Coulson

From: Richard W Boes
To: Richard W Boes
Date: Sat Jan 25 2003 3 28 PM
Subject: Proposed FCC Changes Cost Consumers

Message sent to the following recipients

Senator Edwards

Message text follows

Richard W Boes
1101 Trammel Court
Wake Forest NC 27587-4622

January 25, 2003

[recipient address was inserted here]

[recipient name was inserted here],

The Federal Communications Commission is considering taking actions that will restrict consumer choice by deregulating local phone service.

Millions of Americans like me could have their phone service threatened if the local phone companies aren't required to allow competitors access to the market. I'm also concerned about the Commission's move to relieve all broadband Internet access facilities of open access obligations

Both of these key decisions will limit my choices as a consumer by lessening competition, diminishing cost savings and threatening consumer protections. As a constituent, I urge you to support competition and open access for local phone service.

Sincerely,

Richard W Boes

From: Richard W Boes
To: Richard W Boes
Date: Sat, Jan 25, 2003 3 28 PM
Subject: Proposed FCC Changes Cost Consumers

Message sent to the following recipients
Senator Dole
Representative Miller
Message text follows

Richard W. Boes
1101 Trammel Court
Wake Forest, NC 27587-4622

January 25, 2003

[recipient address was inserted here]

[recipient name was inserted here],

The Federal Communications Commission is considering taking actions that will restrict consumer choice by deregulating local phone service.

Millions of Americans like me could have their phone service threatened if the local phone companies aren't required to allow competitors access to the market. I'm also concerned about the Commission's move to relieve all broadband Internet access facilities of open access obligations

Both of these key decisions will limit my choices as a consumer by lessening competition, diminishing cost savings and threatening consumer protections. As a constituent, I urge you to support competition and open access for local phone service.

Sincerely

Richard W Boes

From: Jim Wheatley
To: Jim Wheatley
Date: Sat Jan 25 2003 9 25 PM
Subject: Proposed FCC Changes Cost Consumers

Message sent to the following recipients
Representative Moran
Message **text** follows

Jim Wheatley
508 S Broadway
Plainville KS 67663-2802

January 25 2003

[recipient address was inserted here]

[recipient name was inserted here]

The Federal Communications Commission ~~is~~ considering taking actions that will restrict consumer choice by deregulating local phone service

Millions of Americans like me could have their phone service threatened if the local phone companies aren't required to allow competitors access to the market. I'm also concerned about the Commission's move to relieve all broadband Internet access facilities of open access obligations.

Both of these key decisions will limit my choices as a consumer **by** lessening competition, diminishing cost savings and threatening consumer protections. **As** a constituent, I urge you to support competition and open access for local phone service.

Sincerely,

Jim Wheatley

From: Robert Smith
To: Robert Smith
Date: Sat, Jan 25, 2003 6 24 PM
Subject: Proposed FCC Changes Cost Consumers

Message sent to the following recipients

Senator Murray
Senator Cantwell
Representative Baird
Message text follows

Robert Smith
507 NE 99th street
Vancouver WA 98665

January 25, 2003

[recipient address was inserted here]

[recipient name was inserted here],

The Federal Communications Commission is considering taking actions that will restrict consumer choice by deregulating local phone service.

Millions of Americans like me could have their phone service threatened if the local phone companies aren't required to allow competitors access to the market. I'm also concerned about the Commission's move to relieve all broadband Internet access facilities of open access obligations

Both of these key decisions will limit my choices as a consumer **by** lessening competition, diminishing cost savings and threatening consumer protections. As a constituent, I urge you to support competition and open access for local phone service.

Sincerely

Robert&Shirley Smith

From: John & Mary Hutton
To: John & Mary Hutton
Date: Sat, Jan 25 2003 7 48 PM
Subject: Proposed FCC Changes Cost Consumers

Message sent to the following recipients

Senator Reid
Senator Ensign
Message text follows

John & Mary Hutton
7269 Mission Hills
Las Vegas NV NV 89113-1321

January 25 2003

[recipient address was inserted here]

[recipient name was inserted here]

The Federal Communications Commission is considering taking actions that will restrict consumer choice by deregulating local phone service.

Millions of Americans like me could have their phone service threatened if the local phone companies arent required to allow competitors access to the market. Im also concerned about the Commissions move to relieve all broadband Internet access facilities of open access obligations.

Both of these key decisions will limit my choices as a consumer by lessening competition. diminishing cost savings and threatening consumer protections As a constituent, I urge you to support competition and open access for local phone service.

Sincerely.

John A. Hutton

From: John & Mary Hutton
To: John & Mary Hutton
Date: Sat Jan 25 2003 7 48 PM
Subject: Proposed FCC Changes Cost Consumers

Message sent to the following recipients
Representative Porter
Message text follows

John & Mary Hutton
7269 Mission Hills
Las Vegas NV NV 89113-1321

January 25, 2003

[recipient address was inserted here]

[recipient name was inserted here],

The Federal Communications Commission is considering taking actions that will restrict consumer choice by deregulating local phone service.

Millions of Americans like me could have their phone service threatened if the local phone companies arent required to allow competitors access to the market. Im also concerned about the Commissions move to relieve all broadband Internet access facilities of open access obligations.

Both of these key decisions will limit my choices as a consumer by lessening competition, diminishing cost savings and threatening consumer protections. As a constituent, I urge you to support competition and open access for local phone service

Sincerely.

John A Hutton

From: Deborah Dean
To: Mike Powell
Date: Sun, Jan 26, 2003 7:10 **AM**
Subject: FCC don't allow media monopolies

Dear Commissioner Powell.

One of the basic elements which help to keep the American media at least partially free and independent is the set of FCC regulations restricting consolidation and monopolies

In the 2002 Biennial Review, the FCC appears to be planning to roll back many of these protective regulations: the Newspaper/Broadcast Cross-Ownership Rule, the National Broadcast Ownership Cap, the Local Radio Ownership Rule, the Duopoly Rule and the Dual Network Rule

Relaxation or abandonment of the preceding rules will result in the purchase of local and independent newspapers and radio and television stations by large media giants. The cost to the American People and Democracy will be far too high if local news, reportorial freedom and access to a true variety of legitimate views are further compromised.

Commissioner Powell. I urge you to make sure the FCC does not relax or drop these vital regulatory rules.

Sincerely

Deborah Dean
1073 Sanchez ST
San Francisco, CA 94114

From: Joel Davidson
To: Mike Powell
Date: Sun, Jan 26, 2003 7:10 AM
Subject: FCC don't allow media monopolies

Dear Commissioner Powell:

One of the basic elements which help to keep the American media at least partially free and independent is the set of FCC regulations restricting consolidation and monopolies.

In the 2002 Biennial Review, the FCC appears to be planning to roll back many of these protective regulations: the Newspaper/Broadcast Cross-Ownership Rule, the National Broadcast Ownership Cap, the Local Radio Ownership Rule, the Duopoly Rule and the Dual Network Rule.

Relaxation or abandonment of the preceding rules will result in the purchase of local and independent newspapers and radio and television stations by large media giants. The cost to the American People and Democracy will be far too high if local news, reportorial freedom and access to a true variety of legitimate views are further compromised.

Commissioner Powell, I urge you to make sure the FCC does not relax or drop these vital regulatory rules.

Sincerely,

Joel Davidson
1121 Bryant St. #4
Palo Alto, CA 94301

From: LORRAINE MITCHELL
To: LORRAINE MITCHELL
Date: Sun, Jan 26, 2003 10 11 AM
Subject: Proposed FCC Changes Cost Consumers

Message sent to the following recipients
Senator Bayh
Message text follows

LORRAINE MITCHELL
8438 CHRISTIANA LANE
INDIANAPOLIS IN 46256

January 26 2003

[recipient address was inserted here]

[recipient name was inserted here],

The Federal Communications Commission is considering taking actions that will restrict consumer choice by deregulating local phone service.

Millions of Americans like me could have their phone service threatened if the local phone companies arent required to allow competitors access to the market. Im also concerned about the Commissions move to relieve all broadband Internet access facilities of open access obligations.

Both of these key decisions will limit my choices as a consumer by lessening competition, diminishing cost savings and threatening consumer protections As a constituent, I urge you to support competition and open access for local phone service.

Sincerely,

LORRAINE C MITCHELL

From: LORRAINE MITCHELL
To: LORRAINE MITCHELL
Date: Sun, Jan 26, 2003 9:52 AM
Subject: Proposed FCC Changes Cost Consumers

Message sent to the following recipients:

Senator Lugar

Message text follows:

LORRAINE MITCHELL
8438 CHRISTIANA LANE
INDIANAPOLIS, IN 46256

January 26, 2003

[recipient address was inserted here]

[recipient name was inserted here],

The Federal Communications Commission is considering taking actions that will restrict consumer choice by deregulating local phone service

Millions of Americans like me could have their phone service threatened if the local phone companies aren't required to allow competitors access to the market. I'm also concerned about the Commission's move to relieve all broadband Internet access facilities of open access obligations

Both of these key decisions will limit my choices as a consumer by lessening competition, diminishing cost savings and threatening consumer protections. As a constituent, I urge you to support competition and open access for local phone service.

Sincerely,

LORRAINE C MITCHELL

From: PEGGY SMITH-MARTIN
To: PEGGY SMITH-MARTIN
Date: Sun. Jan 26, 2003 10:43 AM
Subject: Proposed FCC Changes Cost Consumers

Message sent to the following recipients

Senator Durbin

Senator Fitzgerald

Representative Rush

Message text follows

PEGGY SMITH-MARTIN
6810 S LOOMIS BLVD
CHICAGO, IL 60636-3404

January 26, 2003

[recipient address was inserted here]

[recipient name was inserted here]

The Federal Communications Commission is considering taking actions that will restrict consumer choice by deregulating local phone service

Millions of Americans like me could have their phone service threatened if the local phone companies aren't required to allow competitors access to the market. I'm also concerned about the Commission's move to relieve all broadband Internet access facilities of open access obligations.

Both of these key decisions will limit my choices as a consumer by lessening competition, diminishing cost savings and threatening consumer protections. As a constituent, I urge you to support competition and open access for local phone service.

Sincerely

PEGGY SMITH-MARTIN

From: LORRAINE MITCHELL
To: LORRAINE MITCHELL
Date: Sun, Jan 26, 2003 10:07 AM
Subject: Proposed FCC Changes Cost Consumers

Message sent to the following recipients:

Senator Bayh

Message text follows:

LORRAINE MITCHELL
8438 CHRISTIANA LANE
INDIANAPOLIS, IN 46256

January 26, 2003

[recipient address was inserted here]

[recipient name was inserted here],

The Federal Communications Commission is considering taking actions that will restrict consumer choice by deregulating local phone service.

Millions of Americans like me could have their phone service threatened if the local phone companies aren't required to allow competitors access to the market. I'm also concerned about the Commission's move to relieve all broadband Internet access facilities of open access obligations.

Both of these key decisions will limit my choices as a consumer by lessening competition, diminishing cost savings and threatening consumer protections. As a constituent, I urge you to support competition and open access for local phone service.

Sincerely,

LORRAINE C MITCHELL

From: Jerry Scott
To: Jerry Scott
Date: Sun, Jan 26, 2003 3 09 PM
Subject: Proposed FCC Changes Cost Consumers

Message sent to the following recipients

Senator Grassley
Senator Harkin
Representative Nussle
Message text follows

Jerry Scott
2312 Pasadena Dr #73
Dubuque, IA 52001

January 26, 2003

[recipient address was inserted here]

[recipient name was inserted here]

The Federal Communications Commission is considering taking actions that will restrict consumer choice by deregulating local phone service.

Millions of Americans like me could have their phone service threatened if the local phone companies aren't required to allow competitors access to the market. I'm also concerned about the Commission's move to relieve all broadband Internet access facilities of open access obligations

Both of these key decisions will limit my choices as a consumer by lessening competition, diminishing cost savings and threatening consumer protections. **As** a constituent, I urge you to support competition and open access for local phone service

Sincerely,

Jerry A Scott

From: Mary Scott
To: Mary Scott
Date: Sun, Jan 26 2003 1 40 PM
Subject: Proposed FCC Changes Cost Consumers

Message sent to the following recipients
Senator Hutchison
Message text follows

Mary Scott
1101 Circle Lane
Bedford TX 76022-7413

January 26, 2003

[recipient address was inserted here]

[recipient name was inserted here],

The Federal Communications Commission is considering taking actions that will restrict consumer choice by deregulating local phone service.

Millions of Americans like me could have their phone service threatened if the local phone companies aren't required to allow competitors access to the market. I'm also concerned about the Commission's move to relieve all broadband Internet access facilities of open access obligations.

Both of these key decisions will limit my choices as a consumer by lessening competition, diminishing cost savings and threatening consumer protections. As a constituent, I urge you to support competition and open access for local phone service.

Sincerely

Mary C. Scott

From: Mary Scott
To: Mary Scott
Date: Sun. Jan 26, 2003 1 40 PM
Subject: Proposed FCC Changes Cost Consumers

Message sent to the following recipients
Senator Cornyn
Representative Burgess
Message text follows

Mary Scott
1101 Circle Lane
Bedford TX 76022-7413

January 26, 2003

[recipient address was inserted here]

[recipient name was inserted here],

The Federal Communications Commission is considering taking actions that will restrict consumer choice by deregulating local phone service.

Millions of Americans like me could have their phone service threatened if the local phone companies aren't required to allow competitors access to the market. I'm also concerned about the Commission's move to relieve all broadband Internet access facilities of open access obligations.

Both of these key decisions will limit my choices as a consumer by lessening competition, diminishing cost savings and threatening consumer protections. As a constituent, I urge you to support competition and open access for local phone service.

Sincerely

Mary C. Scott

From: Lewis Green
To: Lewis Green
Date: Sun, Jan 26, 2003 3 17 PM
Subject: Proposed FCC Changes Cost Consumers

Message sent to the following recipients

Senator Murray
Senator Cantwell
Representative Inslee
Message text follows

Lewis Green
3403 166th Place SW
Lynnwood, WA 98037-3225

January 26, 2003

[recipient address was inserted here]

[recipient name was inserted here],

The Federal Communications Commission is considering taking actions that will restrict consumer choice by deregulating local phone service

Millions of Americans like me could have their phone service threatened if the local phone companies aren't required to allow competitors access to the market. I'm also concerned about the Commission's move to relieve all broadband Internet access facilities of open access obligations.

Both of these key decisions will limit my choices as a consumer by lessening competition, diminishing cost savings and threatening consumer protections. As a constituent, I urge you to support competition and open access for local phone service.

Sincerely,

Lewis Green

From: Louis Tavares
To: Louis Tavares
Date: Sun, Jan 26 2003 3 21 PM
Subject: Proposed FCC Changes Cost Consumers

Message sent to the following recipients

Senator Kennedy

Senator Kerry

Representative Markey

Message text follows

Louis Tavares
30 Quimby Ave
Woburn MA 01801-3414

January 26, 2003

[recipient address was inserted here]

[recipient name was inserted here],

The Federal Communications Commission is considering taking actions that will restrict consumer choice by deregulating local phone service

Millions of Americans like me could have their phone service threatened if the local phone companies aren't required to allow competitors access to the market. I'm also concerned about the Commission's move to relieve all broadband Internet access facilities of open access obligations.

Both of these key decisions will limit my choices as a consumer by lessening competition, diminishing cost savings and threatening consumer protections. As a constituent, I urge you to support competition and open access for local phone service

Sincerely,

Louis Tavares

From: Gregory Peter Foote
To: Gregory Peter Foote
Date: Sun, Jan 26, 2003 3:52 PM
Subject: Proposed FCC Changes Cost Consumers

Message sent to the following recipients

Senator Lugar
Senator Bayh
Representative Carson
Message text follows

Gregory Peter Foote
6199 Norwaldo Avenue
Indianapolis, IN 46220-2347

January 26, 2003

[recipient address was inserted here]

[recipient name was inserted here],

The Federal Communications Commission is considering taking actions that will restrict consumer choice by deregulating local phone service.

Millions of Americans like me could have their phone service threatened if the local phone companies aren't required to allow competitors access to the market. I'm also concerned about the Commission's move to relieve all broadband Internet access facilities of open access obligations.

Both of these key decisions will limit my choices as a consumer by lessening competition, diminishing cost savings and threatening consumer protections. As a constituent, I urge you to support competition and open access for local phone service.

Sincerely,

Gregory Foote

From: Jerry costello
To: Jerrycostello
Date: Sun Jan26 2003 3 51 PM
Subject: Proposed FCC Changes Cost Consumers

Message sent to the following recipients

Senator Levin
Senator Stabenow
Representative Stupak
Message text follows

Jerrycostello
6328 galaxy dr
Fort Wayne IN 48635

January 26, 2003

[recipient address was inserted here]

[recipient name was inserted here]

The Federal Communications Commission is considering taking actions that will restrict consumer choice by deregulating local phone service

Millions of Americans like me could have their phone service threatened if the local phone companies arent required to allow competitors access to the market. Im also concerned about the Commissions move to relieve all broadband Internet access facilities of open access obligations

Both of these key decisions will limit my choices as a consumer by lessening competition, diminishing cost savings and threatening consumer protections. **As** a constituent, I urge you to support competition and open access for local phone service.

Sincerely.

Jerrycostello

From: Doug Hood
To: Doug Hood
Date: Sun Jan 26 2003 6 25 PM
Subject: Proposed FCC Changes Cost Consumers

Message sent to the following recipients

Senator Hutchison

Representative Barton

Message text follows

Doug Hood
2537 Forest Creek Drive
Fort Worth, TX 76123-1153

January 26, 2003

[recipient address was inserted here]

[recipient name was inserted here]

The Federal Communications Commission is considering taking actions that will restrict consumer choice by deregulating local phone service

Millions of Americans like me could have their phone service threatened if the local phone companies arent required to allow competitors access to the market. Im also concerned about the Commissions move to relieve all broadband Internet access facilities of open access obligations.

Both of these key decisions will limit my choices as a consumer by lessening competition, diminishing cost savings and threatening consumer protections. **As** a constituent, I urge you to support competition and open access for local phone service

Sincerely,

Doug Hood

From: HARRY POWNALL
To: HARRY POWNALL
Date: Sun Jan 26 2003 5 02 PM
Subject: Proposed FCC Changes Cost Consumers

Message sent to the following recipients

Senator Edwards
Representative Coble
Message text follows

HARRY POWNALL
4433 AIRPORT RD
PINEHURST , NC 28374

January 26, 2003

[recipient address was inserted here]

[recipient name was inserted here],

The Federal Communications Commission is considering taking actions that will restrict consumer choice by deregulating local phone service.

Millions of Americans like me could have their phone service threatened if the local phone companies aren't required to allow competitors access to the market. I'm also concerned about the Commission's move to relieve all broadband Internet access facilities of open access obligations.

Both of these key decisions will limit my choices as a consumer by lessening competition, diminishing cost savings and threatening consumer protections. As a constituent, I urge you to support competition and open access for local phone service.

Sincerely

MR & MRS HARRY POWNALL

From: HARRY POWNALL
To: HARRY POWNALL
Date: Sun, Jan 26.2003 5 02 PM
Subject: Proposed FCC Changes Cost Consumers

Message sent to the following recipients

Senator Dole

Message text follows

HARRY POWNALL
4433 AIRPORT RD
PINEHURST , NC 28374

January 26, 2003

[recipient address was inserted here]

[recipient name was inserted here],

The Federal Communications Commission is considering taking actions that will restrict consumer choice by deregulating local phone service

Millions of Americans like me could have their phone service threatened if the local phone companies arent required to allow competitors access to the market. Im also concerned about the Commissions move to relieve all broadband Internet access facilities of open access obligations.

Both of these key decisions will limit my choices as a consumer by lessening competition, diminishing cost savings and threatening consumer protections. As a constituent, I urge you to support competition and open access for local phone service.

Sincerely

MR & MRS HARRY POWNALL

From: Gerard Rosenthal
To: Gerard Rosenthal
Date: Sun, Jan 26, 2003 6:49 PM
Subject: Proposed FCC Changes Cost Consumers

Message sent to the following recipients.
Representative Tancredo
Message text follows:

Gerard Rosenthal
13631 East Marina Dr.#405
Aurora,, CO 80014

January 26, 2003

[recipient address was inserted here]

[recipient name was inserted here],

The Federal Communications Commission is considering taking actions that will restrict consumer choice by deregulating local phone service

Millions of Americans like me could have their phone service threatened if the local phone companies aren't required to allow competitors access to the market. I'm also concerned about the Commission's move to relieve all broadband Internet access facilities of open access obligations.

Both of these key decisions will limit my choices as a consumer by lessening competition, diminishing cost savings and threatening consumer protections. As a constituent, I urge you to support competition and open access for local phone service.

Sincerely,

Gerard and Marie Rosenthal

From: Susan Miller
To: Susan Miller
Date: Sun Jan 26, 2003 7 04 PM
Subject: Proposed FCC Changes Cost Consumers

Message sent to the following recipients

Senator Domenici

Senator Bingaman

Message text follows

Susan Miller
Box 1104
Magdalena. NM 87825

January 26, 2003

[recipient address was inserted here]

[recipient name was inserted here],

The Federal Communications Commission is considering taking actions that will restrict consumer choice by deregulating local phone service.

Millions of Americans like me could have their phone service threatened if the local phone companies aren't required to allow competitors access to the market. I'm also concerned about the Commission's move to relieve all broadband Internet access facilities of open access obligations.

Both of these key decisions will limit my choices as a consumer by lessening competition, diminishing cost savings and threatening consumer protections. **As** a constituent. I urge you to support competition and open access for local phone service

Sincerely,

Susan Gail Miller

From: Susan Miller
To: Susan Miller
Date: Sun, Jan 26, 2003 7:04 PM
Subject: Proposed FCC Changes Cost Consumers

Message sent to the following recipients:
Representative Pearce
Message text follows,

Susan Miller
Box 1104
Magdalena, NM 87825

January 26, 2003

[recipient address was inserted here]

[recipient name was inserted here],

The Federal Communications Commission is considering taking actions that will restrict consumer choice by deregulating local phone service

Millions of Americans like me could have their phone service threatened if the local phone companies aren't required to allow competitors access to the market. I'm also concerned about the Commission's move to relieve all broadband Internet access facilities of open access obligations.

Both of these key decisions will limit my choices as a consumer by lessening competition, diminishing cost savings and threatening consumer protections. As a constituent, I urge you to support competition and open access for local phone service.

Sincerely

Susan Gail Miller

From: Susan Ryntz
To: Susan Ryntz
Date: Sun Jan 26 2003 9 11 PM
Subject: Proposed FCC Changes Cost Consumers

Message sent to the following recipients

Senator Levin

Senator Stabenow

Representative Knollenberg

Message text follows

Susan Ryntz
2318 Camilla Dr
Troy MI 48083-2332

January 26, 2003

[recipient address was inserted here]

[recipient name was inserted here],

The Federal Communications Commission is considering taking actions that will restrict consumer choice **by** deregulating local phone service

Millions of Americans like me could have their phone service threatened if the local phone companies aren't required to allow competitors access to the market. I'm also concerned about the Commission's move to relieve all broadband Internet access facilities of open access obligations.

Both of these key decisions will limit my choices as a consumer by lessening competition, diminishing cost savings and threatening consumer protections. As a constituent, I urge you to support competition and open access for local phone service.

Sincerely,

Susan Ryntz